

IOWA FINANCE AUTHORITY[265]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 17A.3(1)“b” and 16.5(1)“r” and 2009 Iowa Acts, Senate File 376, division III, section 13(4), the Iowa Finance Authority hereby amends Chapter 33, “Water Quality Financial Assistance Program,” Iowa Administrative Code.

The purpose of these amendments is to modify and clarify certain provisions of the selection process under the Water Quality Financial Assistance Program to add criteria and to cap the maximum amount of assistance a community may receive on a per capita basis. These changes are needed due to the large number of applications received, the limited funding available (\$20 million), and the overwhelming demand for assistance (nearly \$300 million) from the large community fund under the program.

The Authority does not intend to grant waivers under the provisions of any of these rules, other than as may be allowed under the Authority’s general rules concerning waivers.

Pursuant to Iowa Code section 17A.4(3), the Authority finds that notice and public participation are impracticable and contrary to the public interest in that assistance for critical water quality projects is needed immediately, and the normal notice and public participation process would delay implementation of the changes.

The Authority finds that these amendments confer a benefit on the parties affected, Iowa cities in need of water quality projects, in that the amendments ease and speed the administration of an important program benefiting those parties and the amendments should be implemented as soon as feasible in order to facilitate assistance under the program and to avoid confusion. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)“b”(2), and the normal effective date of these amendments is waived.

These amendments are also published herein under Notice of Intended Action as **ARC 8511B** to allow for public comment.

The Authority adopted these amendments on January 13, 2010.

These amendments became effective January 14, 2010.

These amendments are intended to implement Iowa Code sections 16.5(1)“r” and 16.40 and 2009 Iowa Acts, Senate File 376, division III, section 13(4).

The following amendments are adopted.

ITEM 1. Amend subrule 33.4(1) as follows:

33.4(1) *Program fund.* Of the amount appropriated, \$20 million shall be allocated to the large community assistance fund. The maximum award for a recipient under the large community assistance fund shall be \$100 per capita. For purposes of these rules, the population of a community shall be assumed to be the United States Census Bureau’s 2008 population estimate for that community.

ITEM 2. Amend subrule 33.5(1) as follows:

33.5(1) *Priority for all projects.* Priority shall be given to projects that will provide significant improvement to water quality in the relevant watershed; this criterion will be determined by the score given to a project by the department pursuant to the project priority rating system used for the water pollution control state revolving fund set forth in 567—Chapter 91, Iowa Administrative Code. For drinking water projects, priority will be determined by the project priority system used for the drinking water state revolving fund set forth in 567—Chapter 44, Iowa Administrative Code. Priority will also be given to projects based on the date upon which construction could begin.

ITEM 3. Adopt the following **new** subrule 33.5(3):

33.5(3) *Large community assistance fund priority.* Under the large community assistance fund, priority will be given to communities that did not receive funds from the I-Jobs disaster recovery

program, the community development block grant (CDBG) disaster allocation or the State Revolving Fund (SRF) federal American Recovery and Reinvestment Act (ARRA).

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/10/10.